

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CARLOS TONEZ (HERNANDEZ) : CIVIL ACTION

v. :
THE DISTRICT ATTORNEY OF THE

COUNTY OF PHILADELPHIA, et al. : NO. 15-2456

FILED

DEC 11 2015

MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

ORDER

AND NOW, this 9th day of December, 2015, upon careful and independent consideration of the pleadings and record herein, and after review of the Report and Recommendation of Thomas J. Rueter, United States Magistrate Judge, it is hereby

ORDERED

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;
2. The petition for a writ of habeas corpus is **DISMISSED AS MOOT** by reason of petitioner's death; and
3. There is no probable cause to issue a certificate of appealability.

BY THE COURT:



L. FELIPE RESTREPO, J.